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IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT TERRITORY OF HAWAII—AT CHAMBERS IN PROBATE.

In the Matter of the Estate of Carl Ludwig Kahlbauer, deceased, known as Louis Kahlbauer, deceased.

Order of Notice of Hearing Petition for Probate of Will.

A Document purporting to be the Last Will and Testament of Louis Kahlbauer, deceased, having on the 24th day of September A. D. 1908 been presented to said Probate Court, and a Petition for Probate thereof, praying for the issuance of Letters Testamentary to George Rodiek, having been filed by him.

It is Ordered, that Thursday, the 5th day of November A. D. 1908, at 10 o'clock A. M., of said day, at the Court Room of said Court at Lihue, County of Kauai, he and the same is hereby appointed the time and place for proving said Will and hearing said application.

It is Further Ordered, That notice thereof be given, by publication once a week for three successive weeks in the Hawaiian Gazette newspaper, the last publication to be not less than ten days previous to the time therein appointed for hearing, to wit: in its issues of the 25th September, 6th, 13th, and 20th October 1908.

Dated at Lihue, 25th September, 1908. (Seal)

(Signed) JACOB HARDY, Judge of the Circuit Court of the Fifth Circuit.

(Attest) R. W. T. PURVIS, Clerk.

3046—Sept. 29, Oct. 6, 13, 20.

**RUBBER TAPPING**

**TESTS ON MAUI**

W. A. Anderson of the Nahiku Rubber Company has been making some valuable experiments to determine the amount of rubber that can be tapped and gathered per day in order to determine the cost of the same. The trees are yet too small to tap for commercial purposes but his work has demonstrated that rubber can be grown and tapped at a profit at Nahiku. The trees he has been tapping are but four inches in diameter and he finds that from trees of that size he can get twenty ounces per man per day. At this rate there is a profit of about one dollar per day on the labor of each man employed. The return from trees large enough for tapping should be much greater.

**BORN.**

GAHAN—In Honolulu, September 27, 1908, to the wife of Captain Gahan, a son.

**DIED.**

ELDERIDGE—At her home in Kohala, Hawaii, October 5, 1908, Mrs. E. K. Elderidge, a daughter of Eben Parker and a sister of Col. Sam Parker and Mrs. Mary E. C. Stillman. She was about fifty years of age. She leaves no children. Relatives left by the Maui to attend the funeral.

Eddie Siemsen was yesterday appointed administrator of his late wife's estate by Judge Lindsay. The estate is valued at about \$1800.

## MARINE

While coal piles are rising on the wharves along the Naval Station front, and apparently enough for each of the cruisers, there is a rumor that the entire fleet is not en route to Honolulu from Samoa. Wireless communication has been slow in connecting the fleet with the shore masts, either of the Naval Station or the Wireless Telegraph Company's stations at Barber's Point or Kahu, although the fleet, steaming only at the rate of ten knots an hour, should be considerably less than 300 miles off port today.

The rumor is that the fleet has been divided and that but three or four cruisers and three or four torpedo boats are returning direct to Honolulu, while the others are scouting or cruising around the various islands to the south. Just what reason there is for scouting anywhere just now is not apparent to the rumormongers. But as the entire cruise is an odd one, there should be no surprise if unusual sailing directions creep into the itinerary. The fleet is due here tomorrow and is expected to remain about ten days, proceeding thence to Magdalena Bay for target practice.

### MARINE REPORT.

(From San Francisco Merchants Exchange.)

Honolulu, Friday, Oct. 2, 1908. Port Townsend—Arrived, Oct. 1, Am. bkt. Kikikat, from Hilo, Sept. 10. Yokohama—Arrived, Oct. 2, S. S. Mongolia, hence Sept. 21. Yokohama—Sailed, Oct. 2, S. S. Siberia, for Honolulu. Victoria—Arrived, Oct. 2, bk. Caradale, hence Sept. 9.

Monday, October 5. San Francisco—Arrived, Oct. 4, S. S. Mexican, from Salina Cruz; bk. Andrew Welch, hence Sept. 10. Sailed, Oct. 4, bk. Irving, for Honolulu; Oct. 5, U. S. A. T. Thomas, for Honolulu. Newport News—Sailed, Sept. 6, S. S. Hermon, for Honolulu. Honolulu—Sailed, Oct. 3, schr. Jas. Rolph, for San Francisco. Philadelphia or New York—Arrived, Oct. 4, bk. Fobing Suey, with rigging and decks damaged.

Monterey—Arrived, Oct. 4, Am. S. S. Rosecrans, towing barge Monterey, hence Sept. 22.

### PORT OF HONOLULU.

#### ARRIVED.

Thursday, October 1.

French bk. Marechal de Noailles, from Talcahuano, Chile, p. m.

Friday, October 2.

O. S. S. Alameda, Dowdell, from San Francisco, 7:30 a. m.

A. H. S. S. Columbian, from San Francisco, 7:45 a. m.

Saturday, October 3.

Str. Mauna Kea, Freeman, from Hilo and Maui, 7 a. m.

Str. Niihau, Oness, from Kawaihau, 6:10 a. m.

M. N. S. S. Larline, Weeden, from Hilo, a. m.

Sunday, October 4.

Str. Mikahala, Tullett, from Kaunakakai, 1:54 a. m.

Str. W. G. Hall, from Kauai ports, a. m.

Monday, October 5.

Am. S. S. Santa Maria, from Port San Luis, 2 p. m.

#### DEPARTED.

T. K. K. S. S. Tenyo Maru, Bent, for the Orient, 10 a. m.

Str. Maui, Bruhn, for Maui, Kona and Kau, 12 m.

Str. J. A. Cummins, Searle, for Oahu ports, 7 a. m.

Str. Claudine, Bennett, for Maui and Hilo, 5:30 p. m.

Str. Helene, Nelson, for Hamakua ports, 6:10 n. m.

Schr. Florence Ward, Piltz, for Midway, 5:30 p. m.

Saturday, October 3.

Fr. bk. Sainte Anne, for Portland, 9:30 a. m.

Fr. bk. Marechal de Noailles, for Portland, a. m.

A. H. S. S. Virginian, Colecord, for Kaunakakai, 5:20 p. m.

Str. Ke Au Hou, for Kauai, 5:10 p. m.

Str. James Makee, for Pearl Harbor, 6:15 p. m.

#### PASSENGERS.

Arrived.

Per O. S. S. Alameda, from San Francisco, October 2—Mrs. J. Abadie, W. D. Alexander, Jr., William Baake, L. Barkhausen, Mrs. E. S. Barry, T. H. Benton, C. A. Bruns, Mrs. Louise C. Cassidy, Loyd Childs, Lieut. Colonel A. Coyne, D. H. Davis, Mrs. Davis, Mrs. S. Decote, Miss M. Edwards, Churchill Harvey-Elder, Mrs. E. Harvey-Elder, W. H. Hoogs, Miss Jessie Hopkin, Capt. M. H. Johnson, J. W. Keystone, Joe Leahy, Jas. Lyle, Miss Margaret Lunn, S. G. McKenzie, Dr. Bruce McV. MacKall, F. C. Macey, Mrs. Alfred Moore and child, Dr. H. J. Pottier, Dr. J. W. Frenders, Master B. Frenders, R. A. Robbins, Wm. Hoff, C. du Roi, Frank Smith, Miss Grace Sterrett, C. Wirth, J. J. Sullivan, A. A. Van Horn, Jno. Vinichaus, Roy Bradley Wheeler, Mrs. E. M. Barker, Miss Maggie Keanu, E. B. Hinkle.

Per str. Mauna Kea, from Hilo and Maui, Oct. 3.—J. P. Edwards, Mrs. Edwards, E. H. Forster, Miss L. Macfarlane, Miss W. Macfarlane, E. W. Condon, Mrs. Condon, Rev. S. L. Desha, Master H. Gavigan, E. Mosses, Master R. Turner, Mrs. Curtis, G. Hapai, Mrs. C. Hapai, W. K. Isaac, R. M. Overend, F. J. Hare, J. P. Johnson, Lau Fai, Rev. J. Mizukami, H. Matsumori, W. South, W. E. Young, Mrs. Young, infant and servant; Miss H. Young, H. Bischoff, J. H. Fuller, Mrs. S. Lederer, H. H. Perry, Miss M. Kempler, Master W. Murray, G. P. Wilder, J. O. Young, A. Gattley, J. W. Moanaula, C. K. Nottley, Mrs. E. Wallin, Miss K. Wallin, Mrs. K. Akini, Miss I. McPhee, Mrs. A. McPhee, Mrs. H. G. Forster, J. M. Dose, E. Vincenzi, A. Shepherd, J. Lightfoot, J. T. Treven, Dr. F. McCallum, Mrs. P. Kenosha, T. Umeda.

Per str. Mikahala, from Maui and Molokai ports, October 4—Mrs. L. Hoo-lapa and infant, Mrs. K. Pauheua, Mrs. Dr. Hays, Mrs. A. G. Hays, D. Naie-lau, R. Joac, Chas. Gay, Governor

## CANNERIES ARE NOT EXEMPT

The Territorial government gained a victory in the Supreme Court yesterday, in the decision of that tribunal in the pineapple cases. The pineapple companies on this island, on Maui, on Hawaii, and on Kauai, all claimed exemption of their canneries as being necessary to the production of the pineapple crop. The Supreme Court held that the act exempting all property, real and personal, used in the cultivation and production of pineapples does not exempt establishments for canning pineapples; a proviso that such exemption shall not apply to land in excess of forty acres does not limit the exemption of personal property.

The pineapple companies were represented by Smith & Lewis, Kinney & Marx, L. A. Thurston and Antonio Perry. The Territory was represented by Deputy Attorney General W. L. Whitney, with Attorney General Hemmaway on the brief.

### Not Yet in Contempt.

Judge Dole yesterday discharged John Kapale from custody on the ground that no affidavit setting forth the facts of the alleged contempt had been filed nor a rule to show cause issued. Kapale was subpoenaed as a witness but failed to appear. After the termination of the proceeding in which he was subpoenaed to testify, an attachment was issued, and he was arrested in Kau and brought before Judge Dole. C. H. McBride was appointed to defend him, and has so far done it with success. An affidavit will be filed today and a rule to show cause asked for.

### Fishery Rights.

Judge De Bolt yesterday discharged Matsuda, charged with unlawfully fishing in a private pond. The fishery is one owned by the John H. Estate, Ltd. The original judgment did not set out the fishery by metes and bounds, and an amended judgment to this end was secured. Matsuda was discharged on the motion of his attorney, E. C. Peterson, on the ground that the offense charged was committed before the amended judgment was entered, and that the judgment was not retroactive. Judge De Bolt held that this was correct law.

### Court Papers Mis-laid.

When a search was made for the papers in the suit of the National Candy Company vs. J. Oswald Lutted yesterday, certain letters and a deposition which had been introduced in evidence could not be found. On the trial judgment was given for \$300, but this was set aside by the Supreme Court. F. W. Milverton appears for the defendant and W. W. Thayer for the plaintiff.

### Held to the Grand Jury.

Commissioner Judd yesterday held to await the action of the grand jury the three men arrested in the raid made by Collector of Internal Revenue Drake Saturday evening on a moonshine distillery in Maunaloa valley. The Federal grand jury will meet October 12.

### Wants Registered Title.

A petition for a registered title to 50,000 square feet of land on Wyllie street near Liliha has been filed in the land court by Lucy R. High. The value of the land is given at \$4100.

### FOR PROSPECTIVE LAWYERS.

The following order was yesterday entered in the Supreme Court: "The following members of the Bar are hereby appointed committee to examine applicants for admission to the bar for the ensuing year: William L. Whitney, Deputy Attorney General; Ralph P. Quarles and Wade Warren Thayer.

Unless otherwise directed by the Court regular examinations of candidates for admission to the bar will be held at Honolulu during the months of October and April.

The case of L. L. McCandless vs. Honolulu Plantation Co. and Woodlawn Fruit Co. was argued and submitted yesterday; Robertson for plaintiff, Prosser for defendants.

### RHEUMATISM.

So little confidence has the average man in the various cures for rheumatism that he often suffers for years without making any effort to find relief. He then finds that it has become chronic. This is a mistake, as the pain can always be relieved, and in most cases a cure effected, by applying Chamberlain's Pain Balm. The relief from pain which it affords is alone worth many times its cost. It makes sleep and rest possible. For sale by Benson, Smith & Co., Ltd., agents for H. I.

The only deaths in Honolulu from contagious diseases during the last half of September were two from tuberculosis and one from typhoid fever.

Frear, Marston Campbell, W. A. Aiken, Mrs. Aiken, Mr. and Mrs. Newell, Dr. F. M. McCallum, J. F. Travers, H. M. Wells, Jas. Munro, Chang Chong, W. Fruepert, Mrs. Fruepert, Mr. and Mrs. A. Gomes, Ho Sam, Hagashido, and 12 deck.

Per str. W. G. Hall, from Kauai ports, October 4—Hon. J. K. Kahanianole, L. Weinheimer, Geo. Campbell, Miss P. Labeuz, G. Inouye, R. Ito, and 49 deck.

### Departed.

Per str. Maui, for Maui, Kau and Kona, October 2—Mrs. H. Moeo, Mrs. W. K. Luther and child, C. K. Nahall and wife, W. E. Rowell, James T. Taylor, Dr. Huestace, C. L. Beal, Henry Aki, Miss Munroe, Mrs. J. A. Magoon, Miss Marie Mutch, R. S. Hosmer, J. W. Troth, Miss Matilda Toor, Miss Grace Spalding, F. Barwick, J. Kidwell, Mrs. Allen, Mrs. MacWayne.

Per T. K. K. Tenyo Maru, for Yokohama, October 2—J. Waterhouse and wife, B. G. Holt, Mrs. B. G. Holt, A. Merritt, D. Merritt and wife, Miss E. Merritt, Miss J. Dawson, C. M. Cooke and daughter, W. C. Teasdale and wife.

Per str. Claudine, for Maui and Hilo, October 2—C. D. Lufkin, A. Haneberg, James Morse, M. Farla, R. Mackenzie, C. O. Hottel, W. F. Cole, T. Tavares, C. O. Nishi, E. G. Clark, Mrs. J. S. Madoiro, Charles Gay, W. Von Seggern and wife, Mrs. Murasky.

## REPUBLICANS RALLY AT AALA

(Continued from Page One.)

times, justifies him in seeking this honor at your hands.

"Mr. Trent is a good citizen, an honorable man. I am honored with his friendship. In his run for office he should get the full Democratic vote. Our candidate is Harry von Holt; he, too, is a good citizen, an honorable man, and he should poll every Republican vote, and be elected. The Republicans who will not vote for Mr. von Holt should take their names off our rolls.

"Associated with me on the senatorial ticket are Messrs. Quinn and Henriques, and in this campaign our motto is, 'One for all, all for one.' Quinn served two terms in the Legislature and did well. Henriques has not served as yet, but is a Republican. Both are good men and I ask you to support them. And if there should come a feeling that you should scratch two and only vote for one of us three, I ask you to vote for the two and scratch the one, no matter who he is."

### Cox on His Record.

Andrew Cox, the next speaker, made his first appearance as a candidate before a Hawaiian gathering, being well received. He spoke in Hawaiian, referring to his record as a public man as one which he had no cause to be ashamed of and asking for support on that record. He had done his duty and would continue if reelected. He called for support for the straight ticket, stating that there was no use sending the party in short of its clothes. It should be all dressed from top to bottom.

John Wise, candidate for Sheriff, probably because his fidelity to the ticket had been called into question, was the strongest straight-ticketist of the rally. He was introduced as a man who would fill the position he sought creditably to himself and to the Hawaiian race, in spite of the remarks in the newspaper that he was unfit for the place. Wise said:

"A few weeks ago I was duly nominated in the Republican convention. Had I been left off the ticket you would have found me here tonight just the same, not on the platform, perhaps, but with you in the crowd working for the straight Republican ticket. It has been said that I am not a straight Republican and that when I go into the voting booth no one will know how I have voted, but I want to tell you that I will vote the whole Republican ticket from top to bottom. (From the crowd—"Why didn't you vote it before?") The education I have received, the life I have lived, make me feel confident that you can trust me to see that the laws of the Territory are enforced. I have made no promises, but I will make this one—if you elect me I will carry out the duties of the office according to the laws of the Territory of Hawaii.

This was spoken in English. Following it Wise made an address in Hawaiian, in which he reminded the crowd of the time he had placed his life in danger for the cause of Hawaii and brought down criticism upon himself from the party he had left.

### Review of Accomplishments.

E. A. Douthitt, candidate for the House from the Fourth, reviewed the record of Republican accomplishments in the Territory, and promised in the name of the party that this record would be kept up and added to. He referred to the plank in the party program promising a law allowing the counties to issue bonds to raise money for necessary public works, which would mean not only more beautiful roads and works, but also wages for the workmen.

"Are you going to turn down and desert this party which has done so much for you for a party of unknown quantities?" he asked in conclusion.

### Kaleiopi Defends the Candidates.

A. S. Kaleiopi, who got a good reception, answered the objections raised by the Democrats and the Home Rulers against some of the party planks and party candidates. He defended Lane as a man who had lived a clean life and worked for the good of his people, a man whom Achi foolishly said was a tool of the corporations. He invited the people to look at Achi's public record and they would find that in all his public life he had never been once for the people, but always for Achi. He ridiculed that plank of the Home Rulers which promised a minimum wage of \$2.50 a day for road laborers, pointing out that to pay such was an impossibility, without running the Territory hopelessly into debt.

He warned the people against listening to the specious talk of the Democrats on their land policy, the adoption of which would mean pukaia for Hawaii, and reminded his hearers of McCandless' own record as a land-grabber.

### Delegate on Immigration.

After cheers had been called for him by Chairman Lucas, Delegate Kuhio made a short address, dealing principally with the charge brought against him that he had been a worker for the rich men and had neglected the poor. He reviewed his work briefly, touching upon the appropriations secured for the Territory. He asked if the money spent in the harbor so that big steamers could come in would not benefit the stevedores as well as the owners of the ships; if the building of lighthouses would not help the poor sailor as well as the rich steamship men? He spoke of the appropriation for a hospital for the lepers, the securing of an appropriation to help pay the expenses of the Legislature, and that for the building of a Federal building as things that would be beneficial to all in the Territory, while, when the three and a half millions for Pearl Harbor began to be spent, there would not be an idle workman in the Territory. These things had come through a Republican Delegate, not a Democrat or a Home Ruler.

The speaker defended his action in introducing the fifteen-year lease bill, stating that it was done in the best interests of the Territory, while the rights of the settler and homesteader had been guarded.

He quoted from the President's mes-

## SCHOOLS HIT BY EARTHQUAKE

There was a meeting of the Board of Education yesterday afternoon. The purpose of the meeting was principally to act on charges against a teacher on one of the other Islands. The charges were sustained and the teacher was dropped from the employment of the board.

Superintendent Babbitt reported a number of changes in the detail of teachers and his action in each case was approved. Inspector Charles King of Hawaii reported that at Kamaea, in Puna, the schoolhouse was moved two feet by the earthquake and tipped over, the main building going over one way and the lanai another. At other places in Puna water tanks at schoolhouses were knocked over by the earthquake.

A number of letters were received from principals on the other Islands as to the overcrowding of their schools. At Waimea, Kauai there are 320 pupils and more wishing to come in. At Kapa there are fifty more applications than there is room for. At Haena there are 51 pupils in a school intended to seat 36.

### WHAT DID BRYAN DO?

Spellbinders come and sometimes go.  
Across the restless sea,  
We like to hear them weave their spells.  
With gestures wide and free,  
But one there is who takes the cake.  
His name? Of course Achi.  
Oh hear him, when upon the stump,  
His liquid accents run.  
And, if the crowd should titter, why?  
They are not making fun—  
They wonder what the answer is.  
To "What did Bryan do?"  
His arguments are full of force  
He is the wily kid,  
He knows the proper way to make  
For many votes a bid,  
And clinches all his speeches with  
"Oh what did Roosevelt do?"  
We do not take him seriously,  
We smile when he gets through,  
His arguments are mushy, so  
Refer to them as "go."  
And snuff his aspirations out  
With "Whom did Achi do?"

### MAIL ACCUMULATES FOR PACIFIC FLEET

At the postoffice a lot of mail is accumulating for the Pacific fleet, an indication other than the growing piles of coal on the wharves that Admiral Swinburne's cruisers and torpedo flotilla are on the way back to Honolulu from Samoa. One of the chief delights of the bluejackets is to receive mail from home, and another is to send a batch of mail to the folks. That the bluejackets have not been slighted in letters from the mainland may be judged from the pile of sacks awaiting them on arrival from the South Seas.

The fleet is due here the morning of October 7.

sage to Congress to show that the Hawaiian immigration bill, as introduced, was the President's own measure, a measure that was intended to keep out the Chinese and fill their places here with Europeans.

In reference to the mayoralty he said: "You might think, to listen to the talk, that this Achi who is up is a new Achi, but it is not. It is the same old Achi with a different song." He advocated Lane's election and paid a tribute to the worth of the Republican candidate.

### Desha Told Stories.

The Rev. Stephen Desha pleased, as usual, keeping the crowd in a roar with the numerous stories he told to illustrate his points and with his puns on the names of the various candidates he boasted. In comparing Lane and Achi he stated that Lane's record as a man who had worked and made an honest living for himself was better than that of Achi, who had gone in for "real estate."

### Lane Roasted Wily Charles.

John C. Lane, the last speaker, handled Achi in no uncertain way, referring to him as a man who had cheated the people first and now came asking for their votes. Lane was received with more applause than any of the other speakers, although he made a very short address. He referred briefly to his own work in the Senate and scouted the idea that he would be led by the nose if elected Mayor any more than he had ever been.

### Cheers for Lucas.

After Lane's address, the Hawaiian national anthem was rendered by the orchestra and cheers for Lucas were called for and given with a will.

### Another Rally Soon.

It is the plan of the committee to call another rally very soon in the Orpheum, at which the speeches will be in English. The date for this has not been settled.

### Achi Held Meetings.

Achi and the Home Rulers held a series of meetings last night, one at the Vineyard street camp, another on Liliha street, and a third in Kakaako. The labor candidate for Mayor intends to make a desperate fight and will campaign steadily from now on until election.

### Liquor Dealers Sore.

It was reported yesterday that the liquor dealers of the city are sore against the Republican party in this county, partly on account of the fact that the serving of free booze has been so much by the new leaders, but mainly because the chosen head of the Territorial organization is the paid attorney of the Anti-Saloon League.

### A BROKEN-DOWN SYSTEM

This is a condition for disease to which do give many names, but which few of them understand. It is simply weakness—a breakdown as it were, of the vital forces that sustain the system. No matter what may be its cause (for it is almost numberless), its symptoms are much the same: the more prominent being sleeplessness, loss of probability or nervous depression, and spirits and want of energy for all the ordinary affairs of life. Now, what alone is absolutely essential in all such cases is recovery and vitality—vigor.

### VITAL STRENGTH & ENERGY

to throw off these morbid feelings, and experience proves that as night succeeds the day this may be more certain secured by a course of

### THE NEW FRENCH REMEDY